

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

David Dell,

Plaintiff,

v.

Case No. 2:23-cv-3167

Judge James L. Graham

Magistrate Judge Karen L. Litkovitz

Annette Chambers-Smith, *et al.*,

Defendants.

Order

This matter is before the Court on the Magistrate Judge's Report and Recommendation, in which she recommended on initial screening under 28 U.S.C. § 1915(e)(2) that the complaint be dismissed for failure to state a claim.

No objections have been filed against the Report and Recommendation. The Court agrees with the Report and Recommendation (Doc. 6) and hereby adopts it. Plaintiff's motion for class certification and the appointment of counsel (Doc. 4) is DENIED. Plaintiff's request for a preliminary injunction (Doc. 1) is DENIED. This action is DISMISSED.

The Court certifies pursuant to 28 U.S.C. § 1915(a)(3) that, for the reasons stated in the Report and Recommendation, an appeal of this Order would not be taken in good faith and therefore plaintiff is denied leave to appeal *in forma pauperis*. See *McGore v. Wrigglesworth*, 114 F.3d 601 (6th Cir. 1997).

s/ James L. Graham
JAMES L. GRAHAM
United States District Judge

DATE: February 23, 2024